

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--------------------------------|---|-----------------------------|
| JORDAN HEATH, |) | |
| Plaintiff, |) | |
| |) | C.A. No. 13-1318 Pittsburgh |
| v. |) | |
| |) | |
| CFSM WAYNE CHRISTOPHER, et al, |) | |
| Defendants. |) | |

MEMORANDUM ORDER

This prisoner civil rights action was filed by Jordan Heath (“Plaintiff”) and received by the Clerk of Court on September 10, 2013. The case was referred to a United States Magistrate Judge for a report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. The magistrate judge's report and recommendation, filed on June 27, 2014, recommended that this case be dismissed due to Plaintiff’s failure to prosecute. Service was made on Plaintiff by mail at SCI Camp Hill, where he is incarcerated. Objections were filed by Plaintiff on July 7, 2014 in which he asserts that actions of the Pennsylvania Department of Corrections have interfered with his ability to effectuate service. In the objections, however, Plaintiff does not explain why he sent the instructions to the wrong address and why he did not resend the instructions to the correct address. Service has not yet been effectuated more than one year after this case was filed. After de novo review of the petition and documents in the case, together with the report

and recommendation and objections thereto, the following order is entered:

AND NOW, this 8th Day of October, 2014;

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice due to Plaintiff's failure to prosecute.

The report and recommendation of Magistrate Judge Baxter, dated June 26, 2014, as supplemented by this memorandum order, is adopted as the opinion of the court.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____